

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 HANK ZABALA,

9 *Plaintiff,*

10 vs.

11 MIKE HALEY, *et al.*,

12 *Defendants.*

13 2:13-cv-00393-PMP-PAL

14 ORDER

15 This *pro se* civil rights suit by a former local detainee now in state custody comes
16 before the Court for initial review of the Amended Complaint (#5).

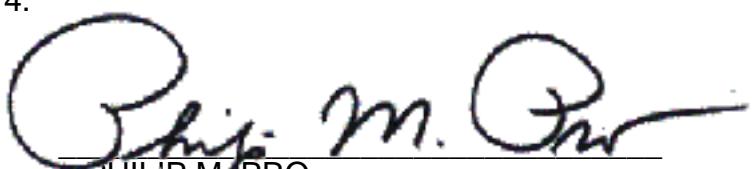
17 The screening standard and the Court's application thereof to the allegations of the
18 original complaint are set forth in the prior screening order (#3). Read liberally, the Amended
19 Complaint states a claim for relief against the Sheriff based upon Defendant allegedly not
20 having corrected alleged violations after being individually informed of them through Plaintiff's
21 grievances. Plaintiff otherwise has not alleged viable claims against any of the Defendants
22 in their official capacity in the Amended Complaint following upon the prior screening order.
23 The Court will dismiss the official-capacity claims and will direct service on the remaining
24 claims against the Defendants in their individual capacities.

25 IT THEREFORE IS ORDERED that all claims against all Defendants in their official
26 capacity are DISMISSED without prejudice for failure to state a claim upon which relief may
27 be granted, with Plaintiff's claims against the Defendants in their individual capacity remaining
28 before the Court.

1 IT FURTHER IS ORDERED that the Clerk shall issue summons to the named
2 Defendants herein and deliver same, along with sufficient copies of the Amended Complaint,
3 to the Marshal for service. The Clerk further shall send Plaintiff a sufficient number of USM-
4 285 forms along with one copy of the papers submitted in this action. Plaintiff shall have
5 twenty (20) days in which to furnish to the Marshal the required USM-285 forms. Within
6 twenty (20) days after receiving from the Marshal a copy of the USM-285 form showing
7 whether service has been accomplished, Plaintiff must file a notice with the Court identifying
8 which Defendants were served and which were not served, if any. If Plaintiff wishes to have
9 service again attempted on an unserved Defendant(s), then a motion must be filed with the
10 Court identifying the unserved Defendant(s) and specifying a more detailed name and/or
11 address for said Defendant(s), or whether some other manner of service should be attempted.
12 Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff must complete service
13 within 120 days from entry of this order.

14 IT FURTHER IS ORDERED that henceforth, Plaintiff shall serve upon Defendants or,
15 if an appearance has been entered by counsel, upon their counsel, a copy of every pleading,
16 motion or other paper submitted for consideration by the Court and shall include a certificate
17 of such service with each paper submitted to the Court. Moreover, all requests for relief
18 herein must be made by motion rather than letter.

19 DATED: April 22, 2014.

20
21
22 
23 PHILIP M. GROVES
24 United States District Judge
25
26
27
28